

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

KIMBERLY LYNN PIERCE,)
Plaintiff,) Case No. 2:17-cv-125
v.) Judge Travis R. McDonough
COMMISSIONER OF SOCIAL)
SECURITY ADMINISTRATION,) Magistrate Judge Clifton L. Corker
Defendant.)

ORDER

On July 6, 2018, United States Magistrate Judge Clifton L. Corker filed his report and recommendation (Doc. 28) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Corker recommended that: 1) Plaintiff's motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA") (Doc. 26) be granted; and 2) should Plaintiff be awarded past due benefits, counsel should be required to refund the smaller of the fee under the EAJA or the fee under the Social Security Act. (Doc. 28.)

Neither party has filed an objection to Magistrate Judge Corker's report and recommendation.¹ Nevertheless, the Court has conducted a review of the report and recommendation, as well as the record, and it agrees with Magistrate Judge Corker's

¹ Magistrate Judge Corker specifically advised the parties that they had fourteen days in which to object to the report and recommendation and that failure to do so would waive any right to appeal. (Doc. 28, at 2 n.1); *see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which the parties could timely file any objections has now expired.

well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Corker's report and recommendation (Doc. 28). Plaintiff's motion for attorney's fees pursuant to the EAJA (Doc. 26) is **GRANTED** as outlined therein.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE